

CLOSED, TYPE I-FOIA

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:10-cv-01335-RCL**

SOUTHERN ALLIANCE FOR CLEAN ENERGY v. U.S.
DEPARTMENT OF ENERGY
Assigned to: Chief Judge Royce C. Lamberth
Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2010
Date Terminated: 05/23/2012
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**SOUTHERN ALLIANCE FOR
CLEAN ENERGY**

represented by **James B. Dougherty**
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TERMINATED: 01/22/2012
PRO HAC VICE
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V.

Defendant

U.S. DEPARTMENT OF ENERGY

represented by **Michelle Lo**
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Date Filed	#	Docket Text
08/09/2010	<u>1</u>	COMPLAINT against U.S. DEPARTMENT OF ENERGY (Filing fee \$ 350, receipt number 4616031776) filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (Attachments: # <u>1</u> Civil Cover Sheet)(dr) (Entered: 08/09/2010)
08/09/2010		SUMMONS (3) Issued as to U.S. DEPARTMENT OF ENERGY, U.S. Attorney and U.S. Attorney General (dr) (Entered: 08/09/2010)
08/09/2010	<u>2</u>	LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests NONE by SOUTHERN ALLIANCE FOR CLEAN ENERGY (dr) (Entered: 08/09/2010)

08/09/2010	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Lawrence D. Sanders, :Address– 1301 Clifton Road, Atlanta Georgia 30322. Phone No. – (404) 712–8008. Fax No. – (404) 727–7851 by SOUTHERN ALLIANCE FOR CLEAN ENERGY (dr) (Main Document 3 replaced on 8/9/2010) (jf,). (Entered: 08/09/2010)
08/10/2010		MINUTE ORDER granting <u>3</u> Motion to Admit Attorney Lawrence D. Sanders Pro Hac Vice. Mr. Sanders is admitted pro hac vice to appear in this matter on behalf of plaintiff. Signed by Judge Henry H. Kennedy, Jr. on August 10, 2010. (NP) (Entered: 08/10/2010)
10/07/2010	<u>4</u>	NOTICE of Appearance by Michelle Lo on behalf of U.S. DEPARTMENT OF ENERGY (Lo, Michelle) (Entered: 10/07/2010)
10/07/2010	<u>5</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by U.S. DEPARTMENT OF ENERGY (Lo, Michelle) (Entered: 10/07/2010)
10/18/2010		MINUTE ORDER granting <u>5</u> Defendant's Consent Motion for Extension of Time to Respond to Complaint. Accordingly, defendant's answer is due on November 12, 2010. Signed by Judge Henry H. Kennedy, Jr. on October 18, 2010. (NP) (Entered: 10/18/2010)
11/12/2010	<u>6</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>or Otherwise Respond</i> by U.S. DEPARTMENT OF ENERGY (Lo, Michelle) (Entered: 11/12/2010)
11/12/2010		MINUTE ORDER granting <u>6</u> Consent Motion for Extension of Time to Respond to Complaint. Accordingly, defendant's answer is due on December 3, 2010. Signed by Judge Henry H. Kennedy, Jr. on November 12, 2010. (NP) (Entered: 11/12/2010)
11/12/2010		Reset Deadlines: Answer due by 12/3/2010. (tj) (Entered: 11/12/2010)
12/03/2010	<u>7</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>or Otherwise Respond</i> by U.S. DEPARTMENT OF ENERGY (Lo, Michelle) (Entered: 12/03/2010)
12/06/2010		MINUTE ORDER granting <u>7</u> Defendant's Consent Motion for Extension of Time to Respond to Complaint. Accordingly, defendant's answer is due on December 10, 2010. Signed by Judge Henry H. Kennedy, Jr. on December 6, 2010. (NP) (Entered: 12/06/2010)
12/10/2010	<u>8</u>	Joint MOTION for Order <i>Entering Scheduling Order</i> by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Lo, Michelle) (Entered: 12/10/2010)
12/13/2010	<u>9</u>	ORDER granting <u>8</u> Joint Motion for Scheduling Order. Signed by Judge Henry H. Kennedy, Jr. on December 13, 2010. (lchhk3) (Entered: 12/13/2010)
01/14/2011	<u>10</u>	FIRST AMENDED COMPLAINT against U.S. DEPARTMENT OF ENERGY filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY.(znmw,) (Entered: 01/18/2011)
01/20/2011		Case reassigned to U.S. District Judge Robert L. Wilkins. Judge Henry H. Kennedy no longer assigned to the case. (gt,) (Entered: 01/20/2011)
02/01/2011	<u>11</u>	MOTION for Partial Summary Judgment by SOUTHERN ALLIANCE FOR CLEAN ENERGY (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B, # <u>3</u> Exhibit Exhibit C, # <u>4</u> Exhibit Exhibit D, # <u>5</u> Exhibit Exhibit E, # <u>6</u> Exhibit Exhibit F, # <u>7</u> Exhibit Exhibit G, # <u>8</u> Exhibit Exhibit H, # <u>9</u> Exhibit Exhibit I, # <u>10</u> Exhibit Exhibit J, # <u>11</u> Exhibit Exhibit K, # <u>12</u> Text of Proposed Order Proposed Order)(Sanders, Lawrence) (Entered: 02/01/2011)
03/01/2011	<u>12</u>	MOTION for Partial Summary Judgment <i>and Opposition to Plaintiff's Motion for Partial Summary Judgment</i> by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Declaration of David G. Frantz, # <u>2</u> Declaration of Wendy Pulliam, # <u>3</u> Declaration of Earl C. Long, # <u>4</u> Declaration of Elizabeth B. Higgins, # <u>5</u> Declaration of James E. Fuller, # <u>6</u> Text of Proposed Order)(Lo, Michelle) (Entered: 03/01/2011)

03/01/2011	<u>13</u>	Memorandum in opposition to re <u>11</u> MOTION for Partial Summary Judgment <i>and Defendant's Cross-Motion for Partial Summary Judgment</i> filed by U.S. DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Declaration of David G. Frantz, # <u>2</u> Declaration of Wendy Pulliam, # <u>3</u> Declaration of Earl C. Long, # <u>4</u> Declaration of Elizabeth B. Higgins, # <u>5</u> Declaration of James E. Fuller, # <u>6</u> Text of Proposed Order)(Lo, Michelle) (Entered: 03/01/2011)
03/22/2011	<u>14</u>	Memorandum in opposition to re <u>12</u> MOTION for Partial Summary Judgment <i>and Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (Sanders, Lawrence) (Entered: 03/22/2011)
03/22/2011	<u>15</u>	ENTERED IN ERROR.....REPLY to opposition to motion re <u>12</u> MOTION for Partial Summary Judgment <i>and Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (Sanders, Lawrence) Modified on 3/23/2011 (rdj). (Entered: 03/22/2011)
03/22/2011	<u>16</u>	REPLY to opposition to motion re <u>11</u> MOTION for Partial Summary Judgment filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (Sanders, Lawrence) (Entered: 03/22/2011)
03/23/2011		NOTICE OF CORRECTED DOCKET ENTRY: re <u>15</u> Reply to opposition to Motion, was entered in error as a duplicate filing, counsel refiled said pleading as entry <u>16</u> . (rdj) (Entered: 03/23/2011)
04/07/2011	<u>17</u>	Unopposed MOTION for Extension of Time to File Response/Reply as to <u>12</u> MOTION for Partial Summary Judgment <i>and Opposition to Plaintiff's Motion for Partial Summary Judgment</i> by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Lo, Michelle) (Entered: 04/07/2011)
04/08/2011	<u>18</u>	ORDER granting <u>17</u> Defendants Unopposed Motion for Extension of Time to File Reply Brief in Support of Defendants Motion for Partial Summary Judgment; it is hereby ORDERED that Defendants motion is GRANTED, and Defendant shall have to, and including, Tuesday, April 26, 2011, to file its Reply Brief in Support of Defendants Motion for Partial Summary Judgment, and it is FURTHER ORDERED that in the event of a federal government shutdown that lasts beyond April 26, 2011, the deadline for Defendants reply brief is STAYED until five (5) business days following the resumption of normal federal government operations. Signed by Judge Robert L. Wilkins on 4/8/2011. (tcb) (Entered: 04/08/2011)
04/26/2011	<u>19</u>	REPLY to opposition to motion re <u>12</u> MOTION for Partial Summary Judgment <i>and Opposition to Plaintiff's Motion for Partial Summary Judgment</i> filed by U.S. DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Reply to Plaintiff's Response to Defendant's Statement of Material Facts Not in Genuine Dispute)(Lo, Michelle) (Entered: 04/26/2011)
05/31/2011	<u>20</u>	Consent MOTION for Extension of Time to <i>Complete Processing of Plaintiff's FOIA Request and to Submit Joint Status Report</i> by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Lo, Michelle) (Entered: 05/31/2011)
06/01/2011	<u>21</u>	ORDER granting <u>20</u> Consent MOTION for Extension of Time to Complete Processing of Plaintiff's FOIA Request and to Submit Joint Status Report; Defendant shall have to, and including, July 11, 2011, to complete its processing of Plaintiff's FOIA request; and it is FURTHER ORDERED that the parties are to file a status report with the Court by August 1, 2011 advising the Court as to whether further litigation will be necessary on the remaining portions of Plaintiff's FOIA request. Signed by Judge Robert L. Wilkins on 6/1/2011. (tcb) . (Entered: 06/01/2011)
07/08/2011	<u>22</u>	Consent MOTION for Extension of Time to <i>Complete Processing of Plaintiff's FOIA Request and to Submit Joint Status Report</i> by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Lo, Michelle) (Entered: 07/08/2011)
07/14/2011	<u>23</u>	ORDER granting <u>22</u> Consent MOTION for Extension of Time to Complete Processing of Plaintiff's FOIA Request and to Submit Joint Status Report; and Defendant shall have to, and including, September 12, 2011, to complete its

		processing of Plaintiffs FOIA request; and it is FURTHER ORDERED that the parties are to file a status report with the Court by October 3, 2011 advising the Court as to whether further litigation will be necessary on the remaining portions of Plaintiffs FOIA request. Signed by Judge Robert L. Wilkins on 7/14/2011. (tcb) (Entered: 07/14/2011)
10/03/2011	<u>24</u>	STATUS REPORT and Motion for Order Setting A Briefing Schedule (Joint) by SOUTHERN ALLIANCE FOR CLEAN ENERGY, U.S. DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Text of Proposed Order)(Lo, Michelle) (Entered: 10/03/2011)
10/03/2011	<u>25</u>	Joint MOTION for Order Setting A Briefing Schedule and Status Report by SOUTHERN ALLIANCE FOR CLEAN ENERGY, U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Lo, Michelle) (Entered: 10/03/2011)
10/04/2011	<u>26</u>	ORDER granting <u>25</u> Joint MOTION for Order Setting A Briefing Schedule and Status Report: Parties to Agree on Contents on Vaughn Index due by 10/31/2011. Defendants Motion for Summary Judgment due by 12/16/2011. Plaintiffs Opposition to Defendants Motion for Summary Judgment and Cross-Motion for Summary Judgment due by 1/27/2012. Defendants Reply in Support of Its Motion and Opposition to Plaintiffs Cross-Motion due by 2/15/2012. Plaintiffs Reply in Support of Its Cross-Motion due by 3/2/2012. Signed by Judge Robert L. Wilkins on 10/4/2011. (tcb) (Entered: 10/04/2011)
10/07/2011	<u>27</u>	Case reassigned by consent to Chief Judge Royce C. Lamberth. Judge Robert L. Wilkins no longer assigned to the case. (gt,) (Entered: 10/07/2011)
10/31/2011	<u>28</u>	NOTICE Regarding Parties' Agreement on Contents of Vaughn Index by SOUTHERN ALLIANCE FOR CLEAN ENERGY, U.S. DEPARTMENT OF ENERGY (Lo, Michelle) (Entered: 10/31/2011)
12/16/2011	<u>29</u>	MOTION for Summary Judgment by U.S. DEPARTMENT OF ENERGY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Supplemental Declaration of David G. Frantz, # <u>4</u> Declaration of David G. Frantz dated October 17, 2011, # <u>5</u> Supplemental Declaration of Wendy Pulliam, # <u>6</u> Text of Proposed Order)(Lo, Michelle) (Entered: 12/16/2011)
01/22/2012	<u>30</u>	MOTION for Leave to Appear Pro Hac Vice :Attorney Name– Mindy Goldstein, :Firm– Turner Environmental Law Clinic, :Address– 1301 Clifton Road. Phone No. – 404–727–3432. Fax No. – 404–727–7851 by SOUTHERN ALLIANCE FOR CLEAN ENERGY (Attachments: # <u>1</u> Text of Proposed Order)(Dougherty, James) (Entered: 01/22/2012)
01/22/2012	<u>31</u>	NOTICE OF WITHDRAWAL OF APPEARANCE as to SOUTHERN ALLIANCE FOR CLEAN ENERGY. Attorney Lawrence D. Sanders terminated. (Dougherty, James) (Entered: 01/22/2012)
01/25/2012	<u>32</u>	ORDER granting <u>30</u> Motion for Leave for Mindy Goldstein to Appear Pro Hac Vice. Signed by Chief Judge Royce C. Lamberth on 1/25/12. (rje,) (Entered: 01/25/2012)
01/27/2012	<u>33</u>	Cross MOTION for Summary Judgment by SOUTHERN ALLIANCE FOR CLEAN ENERGY (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Text of Proposed Order, # <u>3</u> Exhibit A, # <u>4</u> Exhibit B, # <u>5</u> Exhibit C, # <u>6</u> Exhibit D, # <u>7</u> Exhibit E)(Dougherty, James) (Entered: 01/27/2012)
01/31/2012	<u>34</u>	ENTERED IN ERROR.....Unopposed MOTION for Summary Judgment by SOUTHERN ALLIANCE FOR CLEAN ENERGY (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Cross-Motion for Summary Judgment, # <u>3</u> Statement of Material Facts)(Dougherty, James) Modified on 1/31/2012 (dr). (Entered: 01/31/2012)
01/31/2012		NOTICE OF CORRECTED DOCKET ENTRY: re <u>34</u> Unopposed MOTION for Summary Judgment was entered in error and counsel has been instructed to file an Errata instead. (dr) (Entered: 01/31/2012)

01/31/2012	<u>35</u>	ERRATA by SOUTHERN ALLIANCE FOR CLEAN ENERGY <u>33</u> Cross MOTION for Summary Judgment filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (Attachments: # <u>1</u> Statement of Facts)(Dougherty, James) (Entered: 01/31/2012)
01/31/2012	<u>36</u>	ERRATA by SOUTHERN ALLIANCE FOR CLEAN ENERGY <u>33</u> Cross MOTION for Summary Judgment filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (Attachments: # <u>1</u> Memorandum in Support)(Dougherty, James) (Entered: 01/31/2012)
01/31/2012	37	Memorandum in opposition to re <u>29</u> MOTION for Summary Judgment filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (See Docket Entry <u>36</u> to view document. Counsel is instructed to docket the opposition as a separate docket entry in the future)(rdj) (Entered: 02/01/2012)
02/13/2012	<u>38</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION for Summary Judgment, <u>33</u> Cross MOTION for Summary Judgment by U.S. DEPARTMENT OF ENERGY (Lo, Michelle) (Entered: 02/13/2012)
02/15/2012		MINUTE ORDER granting <u>38</u> defendant's Motion for Enlargement of Time to File Reply in Support. Defendant shall file its reply by February 17, 2012; plaintiff shall file its reply by March 6, 2012. Signed by Chief Judge Royce C. Lamberth on February 15, 2012. (lcrcl4) (Entered: 02/15/2012)
02/17/2012	<u>39</u>	REPLY to opposition to motion re <u>29</u> MOTION for Summary Judgment filed by U.S. DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Second Supplemental Declaration of David G. Frantz, # <u>2</u> Response to Pl's Statement of Material Facts Not in Genuine Dispute and Reply to Pl's Response to Def's Statement of Material Facts Not in Genuine Dispute, # <u>3</u> Text of Proposed Order)(Lo, Michelle) (Entered: 02/17/2012)
02/17/2012	<u>40</u>	Memorandum in opposition to re <u>33</u> Cross MOTION for Summary Judgment filed by U.S. DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Second Supplemental Declaration of David G. Frantz, # <u>2</u> Response to Pl's Statement of Material Facts Not in Genuine Dispute and Reply to Pl's Response to Def's Statement of Material Facts Not in Genuine Dispute, # <u>3</u> Text of Proposed Order)(Lo, Michelle) (Entered: 02/17/2012)
02/21/2012		Set/Reset Deadlines: Plaintiff's Reply due by 3/6/2012. (rje,) (Entered: 02/21/2012)
03/06/2012	<u>41</u>	REPLY to opposition to motion re <u>33</u> Cross MOTION for Summary Judgment filed by SOUTHERN ALLIANCE FOR CLEAN ENERGY. (Attachments: # <u>1</u> Statement of Facts)(Dougherty, James) (Entered: 03/06/2012)
03/28/2012	<u>42</u>	ORDER granting in part and denying in part <u>29</u> defendant's Motion for Summary Judgment; granting in part and denying in part <u>33</u> plaintiff's Cross-Motion for Summary Judgment; denying <u>11</u> plaintiff's Cross-Motion for Partial Summary Judgment; and granting in part and denying in part <u>12</u> defendant's Cross-Motion for Partial Summary Judgment. Signed by Chief Judge Royce C. Lamberth on March 28, 2012. (lcrcl4) (Entered: 03/28/2012)
03/28/2012	<u>43</u>	MEMORANDUM OPINION. Signed by Chief Judge Royce C. Lamberth on March 28, 2012. (lcrcl4) (Entered: 03/28/2012)
05/14/2012	<u>44</u>	STIPULATION of Settlement and Dismissal of All Claims Except for Attorney's Fees and Proposed Order by SOUTHERN ALLIANCE FOR CLEAN ENERGY, U.S. DEPARTMENT OF ENERGY. (Attachments: # <u>1</u> Exhibit A)(Lo, Michelle) (Entered: 05/14/2012)
05/14/2012	<u>45</u>	STIPULATION AND ORDER. The parties stipulate to dismiss all claims in this action with the exception of the issue of attorney's fees. The parties have until July 13, 2012, to determine whether they are able to reach agreement on the issue of attorney's fees. If the parties are unable to reach agreement, the plaintiff will submit a fee petition on or before August 3, 2012. Signed by Chief Judge Royce C. Lamberth on May 14, 2012. (lcrcl4) (Entered: 05/14/2012)